IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12349 of 2005

Between:

S. Shivalingam, S/o. Yellaiah,
R/o. 5-7-3, Dayaraguda, Kukatpally Municipality, Ranga Reddy (District)

..... PETITIONER

AND

1 The Commissioner, Kukatpally Municipality,
Ranga Reddy (Dist)
2 Pachamma, W/o. Not Known, H. No. 5-7-2, Sangeethanagar,
Dayarguda, Kukatpally, Ranga Reddy (Dist)
3 Sreekanth Reddy, S/o. Not Known,
R/o. H.No. 5-7-2, Sangeethanagar, Dayarguda, Kukatpally,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent No.1 in not considering the representations dated 23-2-2005, 5-2-2005,18-5-2005 and 25-5-2005 of the petitioner and not taking any action against the Respondents 2 and 3 in respect of the construction of the apartment in premises No. H.No. 5-7-2, Ward No 8 of Dayaraguda, Sangeeth Nagar Kukatpally Municipality, Balanagar Mandal R.R District is illegal, arbitrary, and against the A.P. Municipalities Act and for a consequential order directing the respondent No.1 to demolish the illegal structures.

Counsel for the Petitioner: MR.SAI BABA ITAPU

Counsel for the Respondent No.1: MR.P.RADHAKRISHNA (SC for Kukatpally Municipality)

Counsel for the Respondent Nos.2:

Counsel for the Respondent Nos.3: MR.G.DASARATHARAMI REDDY

The Court made the following :

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ORDER:

The Writ Petition has been filed by S.Shivalingam with a prayer to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent No.1 in not considering the representations dated 23-02-2005, 05-05-2005, 18-05-2005 and 25-05-2005 of the petitioner as illegal, arbitrary and against the provisions of A.P. Municipalities Act.

Heard the learned counsel for the petitioner, Mr.P.Radhakrishna, standing counsel for Kukatpally Municipality appearing for the respondent No.1 and Mr.G.Dasaratharami Reddy, the learned counsel for the third respondent.

When the vacate stay petition has been come up for hearing, both the parties consented to dispose of the writ petition itself and accordingly writ petition is being disposed of by this order.

The grievance of the writ petitioner is that his applications dated 23-02-2005, 05-05-2005, 18-05-2005 and 25-05-2005 submitted to the first respondent-Municipality have not been acted upon and thereby the respondents 2 and 3 are proceeding with the constructions unauthorisedly and illegally. An interim order has been passed by this Court on 13-06-2005 directing the respondents to dispose of the complaints given by the petitioner within a period of two weeks from the date of receipt of a copy of the order. In pursuance of the interim direction, the first respondent-municipality has taken steps. But in view of the ad-interim injunction as against the first respondent-municipality in I.A.No.2324 of 2004 in O.S.No.1112 of 2004 passed by the Principal Junior Civil Judge, Ranga Reddy District, the first respondent-municipality cannot proceed further with regard to removal of illegal constructions. Such is the situation, I deem it appropriate to direct the first respondent-municipality to take appropriate action on the representations submitted by the petitioner after

disposal of the interim injunction application filed by the third respondent.

Accordingly, the writ petition is disposed of. No order as to costs.

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B.SESHASAYANA REDDY, J.

Dated 19-07-2005.

Note: Issue C.C. within a week.

B/o

SKMR

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Copy to:

1 The Commissioner, Kukatpally Municipality,
Ranga Reddy (Dist).

2 CD copies

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